

UNITED STATES OF AMERICA

IN THE WESTERN DISTRICT OF MICHIGAN – SOUTHERN DIVISION

Derek Antol, individually and as next friend of
DSAIL, a minor, and Devon S. Antol, and Tryston Antol,
Plaintiffs,

File No: 1:17-cv-613

v.

Adam Dent, Kate Straus,
Casey Bringedahl, Casey Trucks,
Pete Kutches, and Western Michigan
Enforcement Team, a public
body organized under the laws of the
State of Michigan,
Defendants,

Hon. Janet T. Neff
U.S. District Court Judge

**PLAINTIFFS' OPPOSITION TO MOTION FOR SUMMARY JUDGMENT BY
DEFENDANTS DENT, STRAUS, BRINGEDAHL, AND KUTCHES**

Attachment 10 – deposition of DSA, a minor

Page 1

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

DEREK ANTOL, individually, next)
friend of DSA and DSA II, minors,)
and TRYSTON ANTOL,)

Plaintiffs,)

-vs-) No. 1:17-cv-00613
Judge Neff)

ADAM DENT, KATE STRAUSS, CASEY)
BRINGEDAHL, CASEY TRUCKS, PETE)
KUTCHES, and WESTERN MICHIGAN)
ENFORCEMENT TEAM, a public body)
organized under the laws of the)
State of Michigan,)

Defendants.)

DEPOSITION

of DEREK ANTOL, JR., a Plaintiff called by
Defendants, taken before Tamara Staley Heckaman,
Certified Shorthand Reporter and Notary Public, at
2851 Charlevoix Drive, SE, Suite 327, Grand
Rapids, Michigan, on Thursday, June 28, 2018,
noticed for the hour of 9:30 a.m.

HECKAMAN & NARDONE, INC.
Certified Shorthand Reporters
P.O. Box 27603
Lansing, Michigan 48909
(517) 349-0847
theckaman@live.com

Page 3

Grand Rapids, Michigan

Thursday, June 28, 2018

9:50 a.m.

RECORD

DEREK ANTOL, JR.,

having been duly sworn, testified as follows:

EXAMINATION

BY MR. SADOWSKI:

Q. Good morning. I'm Adam Sadowski. I
represent defendant Trucks in this case, and have
you ever had your deposition taken before?

A. Nope.

Q. Well, all it basically is is just kind of
a question and answer session. I'm going to ask
you some questions about your background and what
happened on the day that the house you were in was
searched and any repercussions from that.

If you need to use the restroom or
take a break for any reason, that's fine, just let
me know. I just ask if I have a question pending
that you answer the question, okay?

A. All right.

Q. All responses need to be verbal because
the court reporter can't take down nods of the
head or shrugs of the shoulders.

Page 2

APPEARANCES:

BOSTIC & ASSOCIATES
909 North Washington Avenue
Lansing, Michigan 48906
By
J. NICHOLAS BOSTIC, J.D.

On behalf of Plaintiffs.

CUMMINGS, McCLOREY, DAVIS & ACHO, PLC
327 Centennial Plaza Building
2851 Charlevoix Drive, SE
Grand Rapids, Michigan 49546
By

CURT A. BENSON, J.D.
On behalf of Defendants Dent,
Strauss, Bringedahl & Kutches.

MICHIGAN DEPARTMENT OF ATTORNEY GENERAL
CLEE Division
P.O. Box 30736
Lansing, Michigan 48909
By

ADAM P. SADOWSKI, J.D.
On behalf of Defendant Trucks.
Also Present: Derek Antol
Devon Antol

EXAMINATION INDEX

ATTORNEY'S NAME EXAMINATION RE-EXAMINATION
BY MR. SADOWSKI: 3
BY MR. BENSON: 19

INDEX OF EXHIBITS

EXHIBIT MARKED
None.

Page 4

A. All right.

Q. If you answer my question I'm going to
assume that you understand it, but if you don't
understand the question please ask me to rephrase
it and I'll gladly do so.

Other than that why don't you state
your full name for the record, please?

A. All right, Derek Antol, Jr.

Q. How old are you?

A. 16, 17 August 17th.

Q. Are you currently in school?

A. Nope.

Q. Okay.

MR. ANTOL: Yes, you are.

MR. SADOWSKI: Well --

MR. ANTOL: It's summertime.

MR. SADOWSKI: It's summertime, yes.

THE WITNESS: Summer, but yeah.

BY MR. SADOWSKI:

Q. I appreciate the literal responses. Yes,
you are not currently sitting in school or
attending school, but you're going to be a junior,
then, or a sophomore this fall?

A. Junior.

Q. Junior, okay. And at what school?

1 (Pages 1 to 4)

cb2784c0-8766-4760-99de-d8b138a5e05f

Page 5

1 A. Reeths-Puffer High School.
 2 Q. All right. Let's see, have you ever been
 3 arrested?
 4 A. Nope.
 5 Q. Well, let's just go right to the day of
 6 the incident. Why don't you tell me what's the
 7 first thing you remember about that day?
 8 A. From the beginning from when I woke up
 9 or...
 10 Q. Well, let's talk about, yeah, when you
 11 woke up, and I assume that was when the officers
 12 were there.
 13 A. It was -- well, like in the morning or
 14 when I woke up to the officers?
 15 Q. Let's start with the officers -- well,
 16 actually, might as well start in the morning.
 17 MR. BENSON: Clarify the address too
 18 because there's two houses, if you don't mind.
 19 MR. SADOWSKI: Okay, that's right,
 20 sorry.
 21 BY MR. SADOWSKI:
 22 Q. On the day of the incident what house
 23 were you at?
 24 A. 1769 North Green Creek.
 25 Q. Take me from when you woke up that

Page 6

1 morning and just through the day.
 2 A. I woke up for hockey. I believe that was
 3 at 8:30, that was about an hour-and-a-half long,
 4 so I went to that. Came back after hockey, came
 5 back to the house, got something to eat, took a
 6 nap, and when I woke up from my nap that's when I
 7 saw the officers in my doorway.
 8 Q. When you woke up how many officers did
 9 you see?
 10 A. There were three.
 11 Q. Three?
 12 A. Two WMET in the front and the state
 13 officer was in the back.
 14 Q. How did you know who was who?
 15 A. There was -- the two in the front were
 16 plain clothes. The other one was in uniform.
 17 Q. And you say the other one, was that the
 18 state trooper that was in uniform?
 19 A. Yeah, he was in the back.
 20 Q. Did any of the officers have a weapon
 21 drawn?
 22 A. Yup.
 23 Q. Which officers?
 24 A. The two in the front, the WMETS.
 25 Q. The state trooper did not have a weapon

Page 7

1 drawn?
 2 A. Nope, not as far as I could see. He was
 3 in the back so -- it's not a very wide doorway for
 4 three men to be standing in so...
 5 Q. What woke you?
 6 A. Them. They were standing -- they were
 7 waiting for me to wake up. They were just
 8 standing there with their guns drawn on me, and as
 9 soon as they noticed I was up they told me -- as
 10 soon as they noticed I was aware of what was going
 11 on they told me to get to the end of my bed.
 12 Then the one, the redhead, he walked
 13 towards me. He lowered his weapon. The other one
 14 went over to the closet, still had his weapon out,
 15 searched the closet, and after he searched the
 16 closet he went to search underneath my bed. The
 17 other officer that came towards me originally, he
 18 went to search my dresser, and then so that way we
 19 were fairly in my room very shortly.
 20 After they searched that then we
 21 just took me through the hallway, through the
 22 kitchen/dining room, outside. And after that we
 23 went off to the hillside of the house. They had
 24 me call my mom. Then after they got ahold -- or I
 25 got ahold of her they talked to her for a minute,

Page 8

1 told them what was going on. Told them that they
 2 needed to come pick me up.
 3 Then after that, after we were off
 4 the phone, they went and sat me down at the bottom
 5 of the hill, somewhat backyard, sat me down in a
 6 chair that was down there until my parents got
 7 there.
 8 Q. Okay. You said that they were just
 9 standing there when you woke up. Did they shout
 10 anything to you to wake you up or...
 11 A. Yeah. They said that they had to say and
 12 wake me up like say some stuff. Tried yelling at
 13 me to get up. I'm a pretty heavy sleeper so,
 14 yeah, they had to wake me up.
 15 Q. Do you remember what they said?
 16 A. I have no idea.
 17 Q. What's the first thing you remember being
 18 told?
 19 A. They just -- as soon as they -- I was
 20 aware of what was going on they told me instantly
 21 to get to the end of my bed.
 22 Q. Okay. I'm assuming you did that?
 23 A. Yup. Oh, yeah.
 24 Q. What did they say after --
 25 A. They didn't really say much of anything

2 (Pages 5 to 8)

cb2784c0-8766-4760-99de-d8b138a5e05f

Page 9

1 while we were in the house after that. They were
2 just going through the room. That's the only
3 thing they said after that is when they told me we
4 were going to be going outside.

5 Q. You said that they had the weapons drawn.
6 Was it a firearm or --

7 A. Oh, yeah, firearm, yup.

8 Q. So it couldn't have been a taser?

9 A. Nope.

10 Q. You talked about different officers
11 looking under your bed and so forth. What was the
12 state trooper doing at that time?

13 A. See, the two WMET came in my room. The
14 state boy, he went into the bathroom immediately
15 after I was woken up and went to the end of the
16 bed. He went and he continued to the bathroom,
17 which is right next to my room because my room is
18 at the end of the hall. He went -- proceeded to
19 the bathroom and was going through the closets and
20 drawers in there.

21 Q. Could you see the bathroom from your
22 room?

23 A. No, but it's -- you could use heard.
24 Like I said, the weren't talking. The WMET
25 officers weren't talking in my room, so it was

Page 11

1 A. Yeah, I heard the click. I heard doors
2 and cabinets being opened.

3 Q. I understand what you're saying. I'm
4 just -- the door would click for -- the door
5 itself but the cabinet door wouldn't click,
6 correct?

7 A. No, obviously, no. No, the door clicks.
8 The cabinet you can just hear it. They open and
9 shut.

10 Q. Does it creak?

11 A. No, you just hear it hit against the
12 wood.

13 Q. Okay.

14 A. I mean, I don't really know how to
15 explain how a cabinet --

16 Q. No, I just want to know how you know.

17 A. -- should sound as a cabinet.

18 Q. You're saying that he searched the
19 cabinets and I just want to know how you --

20 A. I mean, if you had a cabinet in here I
21 could show you but...

22 Q. And then you said you heard drawers open
23 as well?

24 A. We don't have -- it's just cabinets and
25 doors in there. There's not any drawers.

Page 10

1 very easy for me to hear the other officer opening
2 doors in the bathroom.

3 Q. In the bathroom -- or obviously there's a
4 door to walk in the bathroom. Are there any other
5 doors in that bathroom?

6 A. There's the main door and then you walk
7 in. There's like a really small mini closet and
8 then there's another separate door to where the
9 actual toilet is and the shower.

10 Q. Could it have been possible the sounds
11 you were hearing were doors being opened to check
12 where the toilet is and so forth?

13 A. A cabinet -- opening a cabinet is much
14 different than hearing a door shut, don't you
15 think?

16 Q. Well, I'm asking the questions. Why
17 don't you tell me what you think the difference
18 is?

19 A. Well, the door obviously clicks when you
20 shut it --

21 Q. Okay.

22 A. -- so...

23 Q. You heard the click --

24 A. Oh, yeah.

25 Q. -- or you didn't hear the click?

Page 12

1 Q. So there's no drawers to go through.
2 There's -- is there a medicine cabinet then?

3 A. There's -- yeah, the medicine cabinet is
4 up above and then there's like another big type
5 towel -- cabinet type thing that you can put the
6 towels in. We've got some stuff in there and
7 that's -- there's three doors. The cabinet door
8 is right there.

9 Q. Do the doors, do they have handles on
10 them for the cabinets?

11 A. Nope, they're just -- just a piece of
12 wood. You've got to grab it kind of by the lip
13 and it opens.

14 Q. Okay, is it magnetic at all?

15 A. I don't believe so.

16 Q. So the cabinets that you say he could
17 have gone through would have been the medicine
18 cabinet and a towel cabinet?

19 A. Yeah.

20 Q. Was there anything else besides opening
21 the door to the toilet area that the state trooper
22 could have went through in the bathroom?

23 A. No.

24 Q. Do you know how long the trooper was in
25 that bathroom?

Page 13

1 A. I have no idea. There is -- he was still
2 in the house after I was taken outside.

3 Q. How long after you were taken outside
4 that the trooper came out of the house?

5 A. Honestly I'm not sure. He -- because I
6 was down -- I didn't even see him really after I
7 was down put on the hill after I was outside.

8 MR. ANTOL: Where they took him was
9 down behind the sight line of the house, so if he
10 would have came out of his front door he could
11 have been standing out there on his radio or
12 something and he wouldn't have seen it because
13 it's down behind the sight line where he could
14 have seen anybody coming or going from the
15 doorway.

16 MR. SADOWSKI: All right.

17 BY MR. SADOWSKI:

18 Q. You would agree with that statement?

19 A. Yes.

20 Q. Did you ever see that trooper again?

21 A. Nope.

22 Q. Besides searching the bathroom do you
23 know any other areas specifically that the trooper
24 searched?

25 A. I don't know specifically if he searched

Page 14

1 them. I know that they continued to my brothers'
2 rooms and that's it.

3 Q. But you're not sure whether it was WMET
4 officers or whether it was -- you don't know if it
5 was the trooper or the other officers, correct?

6 A. I'm not sure. I just know that the state
7 officer searched the bathroom and the WMET took me
8 outside while he was doing that after they had
9 obviously went through my room.

10 Q. Do you remember anything that the trooper
11 said?

12 A. He didn't say anything as far as I know.
13 It was mostly just the WMETs talking. There was
14 very little that they did.

15 Q. Okay. Why don't you tell me what
16 happened after you went down the hill and you
17 called your parents?

18 A. Nothing really. It was they just went on
19 the hill. They had me dial my mom's number in
20 their phone, just called them quick. After we got
21 off the phone with them we just went -- there
22 was -- we had a few plastic chairs sitting down
23 there at the bottom of the hill down there, so
24 they just had me sit down there and really just
25 sat there in silence until my parents got there.

Page 15

1 Q. Do you know how --

2 A. Once they got there they just went up and
3 talked to them first and then -- it was just
4 shortly and then we left so...

5 Q. Do you know how long you would have been
6 waiting for your parents to arrive if you recall?

7 A. I don't know for sure. I'd say it's --
8 it was roughly ten, fifteen minutes.

9 Q. Approximately what time of day was this?

10 A. I'm -- I'm honestly not sure.

11 Q. Afternoon, evening?

12 A. Evening-ish I guess. I'm not completely
13 sure.

14 Q. That's fine. When was the next time that
15 you went back into the house?

16 A. The next time I went back into the house
17 was that night when we got back with my parents.

18 Q. Did you go through all your belongings
19 and that?

20 A. When I got home?

21 Q. Yes.

22 A. Oh, yeah, oh, yeah. I had to clean up my
23 whole room.

24 Q. Were any of your belongings taken?

25 A. Not as far as I know.

Page 16

1 Q. You said you had to clean up your room.
2 What was in disarray?

3 A. Pretty much everything. All of my
4 clothes were everywhere, all my drawers were taken
5 out. Everything was out of place.

6 Q. Do you know how much of that disarray or
7 mess you could say was from when they went into
8 the house while you were still in it?

9 A. There was -- my room wasn't as bad as my
10 brothers' rooms but they -- really they'd -- they
11 took the -- they didn't really have to take the
12 clothes out of my drawers, my one dresser drawers,
13 but I have a lot -- I have like clothes bins
14 underneath my bed, so they had all those clothes
15 out and they moved my bed.

16 And then they took my -- the desk
17 that I had, they took all the stuff out of the
18 drawer in there, and then I had another like cubby
19 in the bottom and they took all the stuff out of
20 that. They pretty much just had everything laid
21 out on the floor.

22 Q. Okay. How has this incident affected
23 your life?

24 A. Well, I was in Boy Scouts when I lived
25 with my aunt for I'd say four or five years. My

Page 17

1 Boy Scouts' leader, he was actually really good
2 friends with a couple cops. We'd go down to the
3 sheriff office and stuff all the time, go down
4 there, and meet and greets and stuff, hang out
5 with the cops. I used to want to be a cop. Go to
6 do that.

7 And ever since that, man, I won't
8 even go in a gas station no more if there's a cop
9 in there. I'll just wait until he leaves or I'll
10 just go to a different gas station. I'm not
11 comfortable with them. I won't even talk to the
12 cops at my school no more.

13 Q. When were you in the Boy Scouts?

14 A. This was I'd say roughly like 2008 to
15 2012.

16 Q. So it was -- you quit the Boy Scouts a
17 few years before this incident?

18 A. Yeah, it was -- yeah, it was by -- see, I
19 got out of Boy Scouts when I moved in with my dad.

20 Q. Okay. At the time you were in the Boy
21 Scouts you said you were living with your aunt?

22 A. Yup.

23 Q. Why were you living with your aunt?

24 A. Because I was taken away from him at a
25 very young age.

Page 18

1 Q. And then you obviously went back to live
2 with your dad. When did you originally go back to
3 live with him?

4 A. I'm not too sure of the date. Do you
5 know a date?

6 MR. ANTOL: October 2012.

7 THE WITNESS: All right.

8 BY MR. SADOWSKI:

9 Q. Besides what you've already said about
10 how it's affected your life is there any other
11 ways that this incident has affected your life?

12 A. Not really. I'm just trying to forget
13 it. Honestly it's not something that I want to be
14 thinking about 24/7. It's something that I've
15 really tried not to talk about.

16 Q. Okay. Did this incident affect you any
17 way financially?

18 A. No.

19 MR. SADOWSKI: To be honest, Curt, I
20 imagine you're going to have a lot of questions
21 probably following up with the WMET and other
22 officers so if you want to go ahead I'll -- I
23 might have just a few follow-ups but I'm -- it's
24 pretty straightforward.
25

Page 19

EXAMINATION

1 BY MR. BENSON:

2 Q. Derek, I'm Curt Benson. I represent the
3 WMET officers.

4 A. All right.

5 Q. And some of the questions I have are just
6 some clarification, okay? How old were you when
7 this happened?

8 A. I believe I was 12, I believe.

9 Q. 12-years-old?

10 A. Um-hum.

11 Q. Okay. And you had said you had gone to
12 play hockey. The one thing I don't have very good
13 is a timeline, so can you tell me when you got up
14 and went to play hockey?

15 A. I believe practice that morning was at
16 8:30.

17 Q. And where was the practice?

18 A. It was at the L.C. Walker Arena where the
19 Lumberjacks play.

20 Q. Was this a school hockey?

21 A. Nope, it was just --

22 MR. ANTOL: Travel hockey.

23 THE WITNESS: Just travel, yup.

24 BY MR. BENSON:
25

Page 20

1 Q. I'm sorry, what was that?

2 A. Just travel hockey.

3 Q. Travel hockey, okay. And how did you get
4 there?

5 A. I believe my dad just dropped me off.

6 Q. Who was living at the house at the time?

7 A. There was me, my brothers, I believe just
8 my mom and dad.

9 Q. Okay. So you say your brothers. What
10 are your brothers' names?

11 A. Devon Antol and Tryston Antol.

12 Q. And what's your mom's name?

13 A. Samantha Conklin. It's my stepmom but...

14 Q. Yeah, I understand, okay, and of course
15 your dad. Is it a two story house?

16 A. Yup.

17 Q. And are all the bedrooms on the second
18 floor?

19 A. No, there's -- there's the basement and
20 then my room and my brothers' rooms are on like
21 the main floor, and my parents' room are up on the
22 top floor.

23 Q. Gotcha. So your room is actually on the
24 main floor of the house?

25 A. Yup, yup.

Page 21

1 Q. So you went to practice around 8:30.
2 Your dad dropped you off. Do you remember when
3 you got back home and do you remember how you got
4 home?

5 A. Well, I was picked back up by my dad and
6 I was brought home. Like I said it was --
7 practice was an hour-and-a-half roughly.

8 Q. Okay.

9 A. And then it probably took me about
10 fifteen minutes to get undressed out of my gear
11 and maybe another ten minute ride home, less than
12 that.

13 Q. Okay. And did your dad just drop you off
14 or did he come in, do you remember?

15 A. He -- I believe he just -- I think he
16 came in, went to the bathroom, and he grabbed some
17 stuff and left and...

18 Q. Your dad grabbed some stuff?

19 A. Yeah, I just -- yeah, I just came home,
20 got something to eat, and went to bed. I'm not
21 too sure what he --

22 Q. I appreciate that, and I'm obviously
23 focused on you. I was just trying to get a
24 context here. Who was in the house when you got
25 home?

Page 22

1 A. I don't really know for sure. All I know
2 is that my -- I don't know if my brothers were
3 there or not. The only person that I really knew
4 was there was our electrical guy that was in the
5 back garage and then obviously my dad.

6 Q. Okay. So after your dad dropped you off
7 your dad went back to work?

8 A. I'm --

9 Q. Or he left?

10 A. He left.

11 Q. Okay. You don't necessarily know where
12 he went but he was gone?

13 A. Yeah.

14 Q. So all you know for sure is you were
15 there and the electrician was there, correct?

16 A. Yeah, because I instantly went to bed. I
17 just knew that the electrician was there, and I
18 just knew that he left when I went to take a nap.

19 Q. So you went to take a nap, and was it
20 around 10:30 then, 11? Is my timeline okay?

21 A. I'd say yeah.

22 Q. Okay. And did you get into pajamas and
23 get under covers or how do you nap?

24 A. I mean, it was obviously a warm day. I
25 was just wearing a T-shirt and shorts so...

Page 23

1 Q. Were you under the covers?

2 A. No, I was just -- nope, I was just laying
3 on top of the bed.

4 Q. Lying on top of the bed, okay. And you
5 mentioned the electrician. What's his name?

6 THE WITNESS: Was it Mike?

7 MR. ANTOL: Um-hum.

8 THE WITNESS: All right, yeah, Mike.

9 BY MR. BENSON:

10 Q. And I thought you just said Mike left.
11 Was he not there when you went to bed or was he
12 there?

13 A. No, Mike, he was --

14 MR. ANTOL: He was there all day.

15 MR. BENSON: I'm sorry, one at a
16 time. You can't both be talking at the same time.

17 BY MR. BENSON:

18 Q. So do you want to answer the question?

19 A. He left -- you guys -- the WMET officers
20 sent him home. They made him leave.

21 Q. You saw that?

22 A. No, that's what -- he was leaving. Like
23 they -- I mean, like they -- he was there and he
24 left. Like he was packing his stuff up because he
25 had all his stuff out.

Page 24

1 Q. So when you got home you saw him packing
2 all of his stuff up?

3 A. No, this is -- they sent -- after the --
4 after the WMET woke me up --

5 Q. Okay.

6 A. -- and they took me outside, he was
7 getting his shit together and leaving.

8 Q. Gotcha. Thank you, because I thought --
9 and that was my mistake then because I thought you
10 said he left before you went and took a nap?

11 A. No, no.

12 Q. Thank you, that's why I asked the
13 clarification. So he was still working when you
14 were there?

15 A. Yeah.

16 Q. And do you know what he was doing?

17 A. Seeming how he's an electrical guy I
18 assume he was doing electrical.

19 Q. But you don't know what? He wasn't
20 putting new lights up; he wasn't fixing old
21 lights? Was he working in the house or was he
22 working in --

23 A. He was working on the garage, I assume.
24 He might have been -- I know we had just set up
25 electrical fencing for our horses, so he might

Page 25

1 have been doing something with the circuits back
 2 there so I'm not too sure.
 3 Q. All right.
 4 A. I just know he was there.
 5 Q. And was he coming in and out of the house
 6 a lot when you were there?
 7 A. No.
 8 Q. Was he outside most of the time then?
 9 A. Yup.
 10 Q. Now, the other thing you had -- and,
 11 again, this is probably me being somewhat
 12 confused, but early on I thought you said that
 13 there were two WMET officers out front and one in
 14 the back, the state trooper in the back?
 15 A. Um-hum.
 16 Q. Is that a yes?
 17 A. Yup.
 18 Q. Okay. Is that in front of the house and
 19 in back of the house or were you talking about the
 20 bedroom?
 21 A. In the doorway.
 22 Q. In the doorway.
 23 A. He was in the doorway.
 24 Q. Okay, that's why I'm asking. So you were
 25 asleep. You describe yourself as a heavy sleeper?

Page 26

1 A. Um-hum.
 2 Q. Yes?
 3 A. Yes.
 4 Q. She has to write it down. So you didn't
 5 hear them at all knock or come in; you only woke
 6 up when they were actually in your doorway?
 7 A. Yup.
 8 Q. And do you remember who spoke first?
 9 A. I do not.
 10 Q. Do you remember what was said first?
 11 A. They just told me to get to the end of my
 12 bed.
 13 Q. Okay. Was it one person who said that or
 14 all three of them? I'm trying to get an idea
 15 who's doing the talking.
 16 A. Just one of them. I don't know who it
 17 was. I just know one of them said it.
 18 Q. And you called them WMET officers. How
 19 did you know they were WMET officers?
 20 A. Because they were plain clothes. They
 21 had their, what is that called, like the vest type
 22 thing on. That's what they had on.
 23 Q. Does it say WMET on it, the vest?
 24 A. Yeah.
 25 Q. Okay. And when you say -- when you woke

Page 27

1 up what did you see? And I'm specifically asking
 2 about weapons drawn, so you woke up, what did you
 3 see?
 4 A. I just woke and they had their guns
 5 pointed up, and then as soon as they noticed that
 6 I was up and aware of what was going on they just
 7 told me to get to my bed, and then they instantly
 8 came in and started searching. The one guy came
 9 towards me and the other one went to the closet
 10 instantly.
 11 Q. Was the gun pointed at you?
 12 A. Yup.
 13 Q. Two guns or one?
 14 A. Two.
 15 Q. And I know you say they told me to do
 16 this. To the best of your recollection
 17 specifically what did they say when the gun was
 18 pointed at you?
 19 A. They told me -- they just said get to the
 20 end of the bed.
 21 Q. Okay.
 22 A. They said put your hands up and get to
 23 the end of the bed.
 24 Q. Like in a sitting position, the hands
 25 like this?

Page 28

1 A. Just said put your hands up where we can
 2 see them and get to the end of the bed.
 3 Q. And you complied, I assume?
 4 A. Yup.
 5 Q. And they stopped aiming the guns at you,
 6 correct?
 7 A. The one -- yup, yup. The one that came
 8 towards me put his gun to his hip, and the other
 9 guy, he continued to the closet with it out.
 10 Q. And he started searching the closet.
 11 Now, you had mentioned that you were, quote, taken
 12 outside. Were you ever handcuffed?
 13 A. Nope.
 14 Q. How were you escorted outside? Did
 15 somebody just say come with me?
 16 A. They just told me that they were going to
 17 take me outside, yeah. They had me walk in front
 18 of them and then they followed me out.
 19 Q. And when you say they, all three of them?
 20 A. No, it was the two WMET officers and
 21 then -- yeah, and the other guy stayed in.
 22 Q. The trooper did?
 23 A. Yup.
 24 Q. All right. And so we talked about you
 25 went outside. When you were waiting for your

7 (Pages 25 to 28)

cb2784c0-8766-4760-99de-d8b138a5e05f

Page 29

1 parents did you have any conversations with any
2 officers?
3 A. Nope.
4 Q. Okay. Were you crying?
5 A. Nope.
6 Q. Were you shaking?
7 A. (Shaking head.)
8 Q. Is that a no?
9 A. Nope.
10 Q. Were you angry?
11 A. Nope.
12 Q. Confused?
13 A. Yeah, a little bit confused.
14 Q. Did you have any idea what was going on?
15 A. Not necessarily. I mean...
16 Q. I mean, you understand they were
17 searching the house, correct?
18 A. Yeah.
19 Q. Did you know what they were looking for?
20 A. Not necessarily, no.
21 Q. Prior to this have you ever had an
22 encounter with the police?
23 A. Not a bad one. Like, I mean, like I told
24 you, I'm in Boy Scouts. I went and -- we went to
25 the sheriff office all the time and we'd go do

Page 30

1 that, but otherwise, no.
2 Q. You never got even like a speeding ticket
3 or --
4 A. No.
5 Q. I mean, you were young obviously. You
6 were only 14 so, okay.
7 A. Twelve, but yeah.
8 Q. Twelve I'm sorry so I don't think you
9 probably got a ticket yet.
10 A. Twelve, yeah.
11 Q. I waited until I was 16 before I got my
12 first speeding ticket.
13 MR. SADOWSKI: Ditto.
14 BY MR. BENSON:
15 Q. All right, let's see here. So you
16 indicated that you were taken away from your dad
17 at a very young age. What was that age?
18 A. I think I was turning three. I'm not too
19 sure. I believe I was two turning three.
20 Q. And what's your aunt's name?
21 A. Debbie Sowa.
22 Q. How do you spell her last name, if you
23 know?
24 A. S-o-w-a.
25 Q. And where does Ms. Sowa live?

Page 31

1 A. It's -- I'm not too sure the address. I
2 just know that the road is Castle Avenue.
3 Q. And do you remember your Boy Scout troop?
4 A. I do not.
5 Q. Do you remember your scoutmaster's name?
6 A. I know it was Trent. I'm not too sure
7 what his last name is.
8 Q. And Trent was friends from the sheriff's
9 department?
10 A. Yup, yup.
11 Q. And you would actually go to the
12 department?
13 A. Yeah, because I was -- it was -- I had --
14 there was Trent and then another one of the Boy
15 Scouts in my group, his -- it was West, Jared
16 West. Yeah, it was Jared West's dad was
17 actually -- he was actually part of the -- I think
18 he was -- I think he works as a security guard or
19 something.
20 MR. ANTOL: He's a correctional
21 officer.
22 THE WITNESS: Okay, yeah.
23 MR. BENSON: I'm sorry, he's what?
24 MR. ANTOL: He's a corrections
25 officer.

Page 32

1 MR. BENSON: Oh, okay.
2 BY MR. BENSON:
3 Q. And you left the Boy Scouts at what age?
4 A. It was like late 2011. I'm not too sure.
5 Q. When did you return with your father?
6 A. That was October --
7 THE WITNESS: You said October 20 --
8 MR. ANTOL: 2012.
9 THE WITNESS: 2012.
10 BY MR. BENSON:
11 Q. Okay. When you were in the room with the
12 WMET officers, I'm talking about your bedroom, and
13 they instructed you to do certain things --
14 A. Right.
15 Q. -- were they screaming at you, yelling at
16 you? Were they polite; were they businesslike?
17 How would you describe --
18 A. They were just businesslike I guess you'd
19 say.
20 Q. Businesslike.
21 A. They were just straightforward just
22 trying to get it down quick and...
23 Q. Um-hum. So you had mentioned that, for
24 example, you wouldn't go into a gas station if you
25 saw a police officer in a gas station. Why not?

Page 33

1 A. I'm just not comfortable around them.
 2 Q. Why not?
 3 A. Because of that, because of what
 4 happened.
 5 Q. Okay.
 6 A. I'm just not. If I don't got to deal
 7 with them I don't need to.
 8 Q. Assuming, and this is just a
 9 hypothetical, you don't have to agree with this,
 10 but hypothetically if their coming into your house
 11 and conducting a search was legal and appropriate,
 12 is there something they should have done
 13 differently in your mind as to how they should
 14 have come in legally and appropriately and
 15 searched your house?
 16 MR. ANTOL: Yeah, with a warrant.
 17 MR. BENSON: I'm not talking to you.
 18 I'm asking your son a question.
 19 THE WITNESS: With a warrant.
 20 BY MR. BENSON:
 21 Q. What's that?
 22 A. With a warrant.
 23 Q. Okay, your dad says with a warrant. If
 24 he had a warrant, assuming that, this is a
 25 hypothetical question, if it was legal should he

Page 34

1 have done something different?
 2 A. I mean, I'm not really sure how a proper
 3 way is to conduct a search in a house, so I don't
 4 really have an answer for you.
 5 Q. So you're uncomfortable around the police
 6 because they searched the house?
 7 A. Oh, yeah. I'm uncomfortable because
 8 they --
 9 MR. ANTOL: He's uncomfortable --
 10 MR. BOSTIC: Hang on a second,
 11 object to form and foundation. Go ahead.
 12 BY MR. BENSON:
 13 Q. You can go ahead and answer the question.
 14 A. I'm just not comfortable around them.
 15 The reason why I'm not comfortable is because I
 16 got woken up at 12-years-old with two guns pointed
 17 at me.
 18 Q. Fair enough. And I think we already
 19 touched this, you haven't gone to like counseling
 20 with anyone to talk about this, have you?
 21 A. No, I'm not comfortable talking about it.
 22 Q. You haven't gone to a doctor, received
 23 any diagnosis concerning this?
 24 A. No. Like I said, I'm not comfortable
 25 really talking about it.

Page 35

1 Q. So the answer is no?
 2 A. No.
 3 Q. So you haven't talked to a counselor or
 4 therapist or a doctor, correct?
 5 A. Nope.
 6 Q. And so you've not received any
 7 treatment --
 8 A. Nope.
 9 Q. -- for this? And when I say treatment, I
 10 mean, you're -- I guess correct me if I'm wrong,
 11 your problem today is you're uncomfortable around
 12 police officers, correct?
 13 A. Right.
 14 Q. Anything else?
 15 A. No, I just -- no. I've just tried to
 16 forget this. I just -- really the last thing I
 17 want to do is think about how I got woke up with
 18 two guns pointed at me, I mean, so...
 19 Q. Okay, I don't have any questions.
 20 MR. BOSTIC: I have one procedural
 21 question. Maybe I'm getting old but did we swear
 22 the witness?
 23 MR. SADOWSKI: Yes.
 24 MR. BENSON: No, yeah, he was sworn.
 25 MR. BOSTIC: Okay.

Page 36

1 MR. BENSON: Because otherwise we'd
 2 have to start from the beginning.
 3 MR. BOSTIC: Well, no, there's a way
 4 to cure it but I just want to make sure. All
 5 right, I don't have any questions.
 6 MR. SADOWSKI: I don't have any
 7 either.
 8 MR. BENSON: We're done. Thank you
 9 very much.
 10 (Whereupon Deposition concluded
 11 at 10:22 a.m.)
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 STATE OF MICHIGAN)
2) SS
3 COUNTY OF CLINTON)
4

5 I, Tamara Staley Heckaman, Certified
6 Shorthand Reporter and Notary Public in and for
7 the County of Clinton, State of Michigan, do
8 hereby certify that the foregoing Deposition was
9 taken before me at the time and place hereinbefore
10 set forth.

11 I further certify that said witness was
12 by me duly sworn in said cause; that the testimony
13 then given was reported by me stenographically;
14 subsequently with computer-aided transcription,
15 produced under my direction and supervision; and
16 that the foregoing is a full, true, and correct
17 transcript of my original shorthand notes.

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand and seal this 11th day of July, 2018.
20

21 Tamara Staley Heckaman, CSR-3443,
22 Certified Shorthand Reporter,
23 and Notary Public, County of
Clinton, State of Michigan.

24 My Commission Expires: 5-20-24
25